Case: 1:17-md-02804 Doc #: 1864-8 Filed: 07/19/19 1 of 52. PageID #: 58650

EXHIBIT D

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1
              UNITED STATES DISTRICT COURT
            FOR THE NORTHERN DISTRICT OF OHIO
2
                   EASTERN DIVISION
3
                                     MDL No. 2804
    IN RE: NATIONAL
    PRESCRIPTION OPIATE
                                     Case No.
    LITIGATION,
                                     1:17-MD-2804
5
    THIS DOCUMENT RELATES TO
                                   Hon. Dan A.
    ALL CASES
                                    Polster
6
7
8
9
                Tuesday, January 22, 2019
10
       HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
11
                 CONFIDENTIALITY REVIEW
12
13
14
           Videotaped 30(b)(6) Deposition of
15
     Walmart, through the testimony of Susanne
16
     Hiland, held at 4206 South J.B. Hunt Drive,
     Rogers, Arkansas, commencing at 8:22 a.m., on
     the above date, before Debra A. Dibble,
17
     Certified Court Reporter, Registered
18
     Diplomate Reporter, Certified Realtime
     Captioner, Certified Realtime Reporter and
19
     Notary Public.
20
21
22
23
                GOLKOW LITIGATION SERVICES
             877.370.3377 ph | fax 917.591.5672
                     deps@golkow.com
24
25
```

```
1
            reporter today is Debbie Dibble. And
2
            she will please now swear in the
           witness.
                    SUSANNE HILAND,
     having first been duly sworn, was examined
5
6
     and testified as follows:
7
                   DIRECT EXAMINATION
8
     BY MR. BOWER:
                   Good morning, Ms. Hiland. How
9
           0.
     are you today?
10
                   I'm fine, thank you.
11
```

```
1
            Α.
                   Yes.
 2
            Q.
                   Okay.
 3
                   And so just to make sure we're
     all on the same page, I just want to go over
     a couple of those rules, just so there's no
 5
 6
     issues moving forward. I think probably the
 7
     most important one is to make sure that you
 8
     understand my question. So if at any point
 9
     you don't understand the question, please
10
     just let me know and I'll try to rephrase it.
11
     Okay?
12
            Α.
                   Okay.
13
                   If you don't ask me to rephrase
            Q.
14
     it, I'll assume that you understand the
15
     question as I asked it. Okay?
16
            Α.
                   Okay.
17
            Ο.
                   And you understand that your
18
     answers today are on behalf of Walmart;
19
     correct?
20
            Α.
                   Yes.
21
                   And that tomorrow you will be
            Ο.
22
     providing your own fact testimony; is that
23
     correct?
24
            Α.
                   Yes.
```

1 And do you understand, Ο. 2 therefore, that the testimony you will give 3 today can be binding on the corporation? 4 Α. Yes. 5 Okay. How long have you been O. working at Walmart? 6 7 Α. 29 years. 8 And I don't want to spend too Ο. 9 much time on your employment history, but can 10 you just -- let's start maybe in 2005, give 11 or take. Going forward. Okay? 12 Α. Yes. 13 What was your position in 2005? Q. 14 At the start of 2005, I was a Α. 15 regional director for operations. And then I 16 transitioned to a director of professional 17 services. 18 And when would that transition Ο. 19 occur? 20 March of 2005. Α. 21 Ο. Okay. 22 During that time period, did you have oversight over Walmart pharmacies? 23 24 MS. TABACCHI: Object to the

```
1
            form.
 2
                   THE WITNESS: In the regional
 3
            role I had oversight, yes.
                   (BY MR. BOWER) And what about
     in the director role?
 5
 6
                   In the director role, I had
 7
     responsibilities for Board of Pharmacy
 8
     issues.
 9
                   What was your next position at
10
     Walmart?
11
                   The next position was a
            Α.
12
     promotion to senior director. It was the
13
     same department, but we -- the name of the
14
     department changed to regulatory affairs.
15
                   And when did that occur?
            Ο.
16
            Α.
                   2009.
17
            Ο.
                   And just generally what were
     your duties and responsibilities as the
18
     senior director in regulatory affairs?
19
     that an accurate description of your title at
20
21
     that time?
22
                   That was my title.
            Α.
23
            Q.
                   Okay.
24
                   And what were your -- just a
```

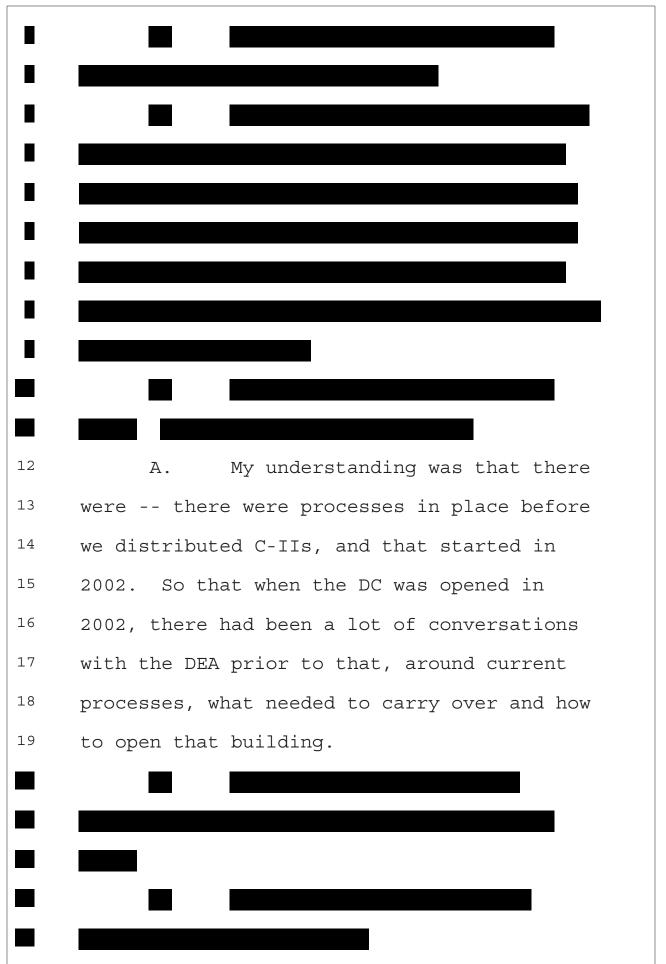
general description of your duties and 1 2 responsibilities in connection with that 3 title. I began to supervise the 5 directors that had responsibility for Board of Pharmacy regulation. 6 7 I also had responsibility for 8 our licensing and registration function for 9 our facilities. And I had federal regulatory 10 responsibility as it related to our licensed 11 pharmacies. 12 Zach, of course, MS. TABACCHI: 13 you're welcome to inquire about the 14 witness's personal background, but 15 this is all beyond the scope of the 16 notice. 17 MR. BOWER: I'm just trying to get, like I said, a very high level. 18 19 MS. TABACCHI: I just want to 20 make sure we're on the same page. 21 not going to object to every question 22 during this portion. 23 MR. BOWER: No, I understand. 24 I'm just going to move quickly through

- this.
- Q. (BY MR. BOWER) And what was
- your next role at Walmart after senior
- 4 director of regulatory affairs?
- 5 A. For a short period of time in
- 6 July 2011, I was senior director of
- 7 compliance and quality assurance.
- 8 Q. So that was in 2011; is that
- 9 correct?
- A. Yes.
- 11 Q. And then your next role after
- 12 that was?
- A. February 2012 of -- I'll likely
- not get the title correct, but it was senior
- director of clinical quality assurance.
- Q. Okay.
- A. And that was the general title.
- 18 I'd have to look back to get the title
- exactly correct.
- Q. Approximately how many titles
- would you say you've had at Walmart in your
- 22 29 years?
- 23 A. One -- a different one every
- three years approximately.

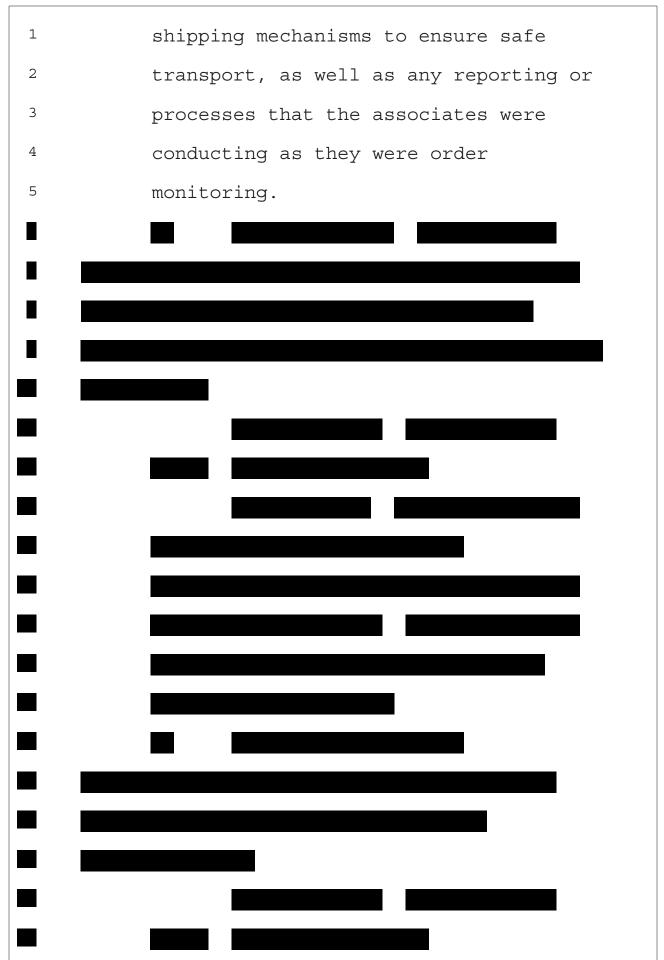
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1
                   What's your current title?
            Ο.
2
            Α.
                   My current title -- on paper my
3
     title is Senior Director II, business
     strategy. That's an HR title.
5
                   In function, my title is senior
     director of professional relations,
6
     professional practice standards and clinical
7
     services.
8
9
                   Do you believe you are the
10
     person at Walmart with the most knowledge of
11
     Walmart's maintenance and effective controls
12
     against diversion?
13
                   MS. TABACCHI: Object to the
14
            form.
15
                   THE WITNESS: I believe that
16
            I'm prepared to speak to that topic on
17
           behalf of Walmart.
18
                   MR. BOWER: I move to strike
19
            that answer.
20
                   (BY MR. BOWER) I just would
            Ο.
21
     ask you to please carefully listen to my
22
     questions and answer the questions that I
23
     ask. Okay?
24
            Α.
                   Yes.
```

10 Α. Much of it was 11 experience-based. There were very tenured 12 associates, and their jobs were 13 specifically -- they were specifically 14 assigned to the controlled substance 15 processing areas. And so they were very 16 familiar with practices and what might be out 17 of the ordinary. What specifically would they 18 0. 19 look for? 20 They would be looking for Α. 21 orders that were of an unusual size. They 22 would be monitoring for any type of an order 23 that was requested outside of a normal ordering schedule that Walmart had 24

- established. And those were the -- those
- were the things that they were looking for.
- Q. What do you mean by "normal
- 4 ordering schedule that Walmart had
- 5 established"?
- 6 A. So for Walmart, the way that
- our distribution was set up, every pharmacy
- 8 only received an order once a week. And so
- 9 that was the schedule. It was -- it was a
- certain set of stores that would order four
- days out -- one day of the week, but we only
- distributed four days out of the week. And
- so they could see also if there were manual
- orders coming in or requests for some
- different order schedule.
- Q. So they were, for example,
- looking at as to whether a store ordered more
- than once a week? Is that correct?
- A. What they would look for is --
- there was a process for a store to order
- outside of their normal pattern, so they
- would be looking for those. And then
- understanding why they needed it outside of
- that normal day.



11	Q. Did Mr. Culver convey to you
12	that he relied on those interactions with the
13	DEA in determining what policy would be used
14	to monitor for orders of controlled
15	substances?
16	MS. TABACCHI: Object to the
17	form. Beyond the scope.
18	You may answer.
19	THE WITNESS: What he conveyed
20	to me was that he worked interactively
21	with the DEA around requirements and
22	understanding what their expectations
23	were that ranged from physical
24	security of the buildings, the



1 for unusual orders of unusual size as the 2 orders were being processed. And how would they determine Ο. whether an order was of unusual size? 5 Α. These were --6 MS. TABACCHI: Beyond the 7 scope. 8 THE WITNESS: These were long-tenured associates that 9 understood the business and the fact 10 11 that we were self-distributing. 12 they saw the -- they saw the patterns. They worked with it every single day. 13

6	Q. (BY MR. BOWER) Did Walmart
7	rely on guidance from the DEA in implementing
8	or designing its suspicious order monitoring
9	programs?
10	A. We didn't solely rely on
11	guidance, but we certainly had conversations
12	with the DEA regarding our plans, and took
13	into consideration any recommendations,
14	thoughts, suggestions that they had for how
15	we established our policies and practices.
16	Q. And what conversations are you
17	referring to specifically?
18	A. We have so in speaking with
19	Scott Culver, Scott relayed the conversations
20	that he had with the DEA in establishing the
21	C-II facility, our distribution facility,
22	even before any plans were built. Blueprints
23	were reviewed. Contractors were or at
24	least DEA-approved contractors to build the

```
1
     facility. Over multiple interactions with
2
     the DEA, they've seen our processes. They've
3
     reviewed our reports. They've asked for
     additional information which we've provided.
5
     And so we have a -- we have a long history of
6
     interaction, positive interaction, and
7
     collaborative interaction with the DEA.
8
           Q.
                   (BY MR. BOWER) Okay. And now
9
     I want to ask probably a better question than
10
     the last one. So my question is more focused
11
     than that. I want to ask specifically what
12
     conversations has Walmart had with the DEA
13
     regarding designing or implementing its
14
     suspicious order monitoring program for
15
     controlled substances?
16
                   MS. TABACCHI: Object to the
17
           form.
                   THE WITNESS: The conversations
18
           have occurred over time, again, as the
19
20
           distribution center was established
21
           and reporting was pulled and reviewed.
22
           As a part, one part of our order
23
           monitoring, the DEA reviewed those
24
           reports, and at one point asked us to
```

```
1
           begin sending those to them on a
2
            regular basis. I learned that through
3
            a conversation with Scott Culver.
                   And then through the years, as
5
           we've made certain changes, those
6
            changes have been discussed through
7
            audits that the DEA has conducted at
           various of our facilities, where
8
9
            they've -- they've actually asked to
           review our order monitoring process.
10
11
            It's a part of their audit on their
12
            audit checklist, and we've -- we've
           never had a reported deficiency in the
13
14
           way that they've reviewed those
15
           programs.
16
           Ο.
                   (BY MR. BOWER) When was the
17
     first time a conversation occurred between
18
     someone at Walmart and someone at the DEA
19
     regarding Walmart's design or implementation
20
     of a suspicious order monitoring program?
21
                   MS. TABACCHI: Object to the
22
            form.
23
                   THE WITNESS: So from an
24
            overall perspective?
```

```
1
                   MS. TABACCHI: Beyond the scope
2.
           of the notice from a time period
3
           perspective. I'm sorry.
                   THE WITNESS: Before we
5
            started -- before we stood up the
6
            distribution center to distribute
7
            opioids, C-IIs, Scott Culver reached
8
            out to the DEA to understand, make
9
            sure that all of the plans that we had
10
            that are inclusive of our obligations
11
            around preventing diversion were
12
            discussed with the DEA, and then,
13
            again, ongoing conversations have
14
            occurred as our program has evolved.
15
                   (BY MR. BOWER) Were those
           Ο.
16
     initial discussions that Scott Culver had
17
     with the DEA specific to order monitoring?
18
           Α.
                   There were -- there were
19
     conversations around reporting and what
20
     was -- what was expected. And how they --
21
     how the operation would -- would be
22
     established.
23
                   And what did Walmart understand
24
     that the DEA expected at that time?
```

```
1
                   MS. TABACCHI: Beyond the
2
            scope.
3
                   THE WITNESS: That our --
4
                   MS. TABACCHI: You may answer.
5
                   THE WITNESS: So the way that
           our policies and procedures were set
6
7
           up reflected our understanding of what
8
           our obligations were at that time.
9
                   (BY MR. BOWER) Well, I'm just
           Ο.
10
     trying to get a little bit more information
11
     as to what Walmart understood the DEA
12
     expected.
13
                   So from those conversations,
14
     what did Mr. Culver take away as to what the
15
     DEA would require from a monitoring program?
16
                   MS. TABACCHI: Object to the
17
            form.
                   Beyond the scope.
18
                   THE WITNESS: We didn't discuss
19
            in very specific detail any specific
20
            ask.
21
                   What I do know is that the
22
           programming that was implemented was
23
            the result of those conversations.
```

9	THE WITNESS: So we continued
10	our collaborative work with the DEA.
11	But we didn't rely on a yes-or-no
12	opinion from the DEA. We would put
13	policies, practices in place, and then
14	communicate with the DEA over time and
15	make changes if there were changes
16	that were suggested, and we
17	implemented changes to our policies
18	independently ahead of DEA approval or
19	blessing.
20	Q. (BY MR. BOWER) Is it Walmart's
21	testimony today that the DEA has ever
22	approved or blessed Walmart's policies for
23	monitoring orders of controlled substances?
24	MS. TABACCHI: Object to the

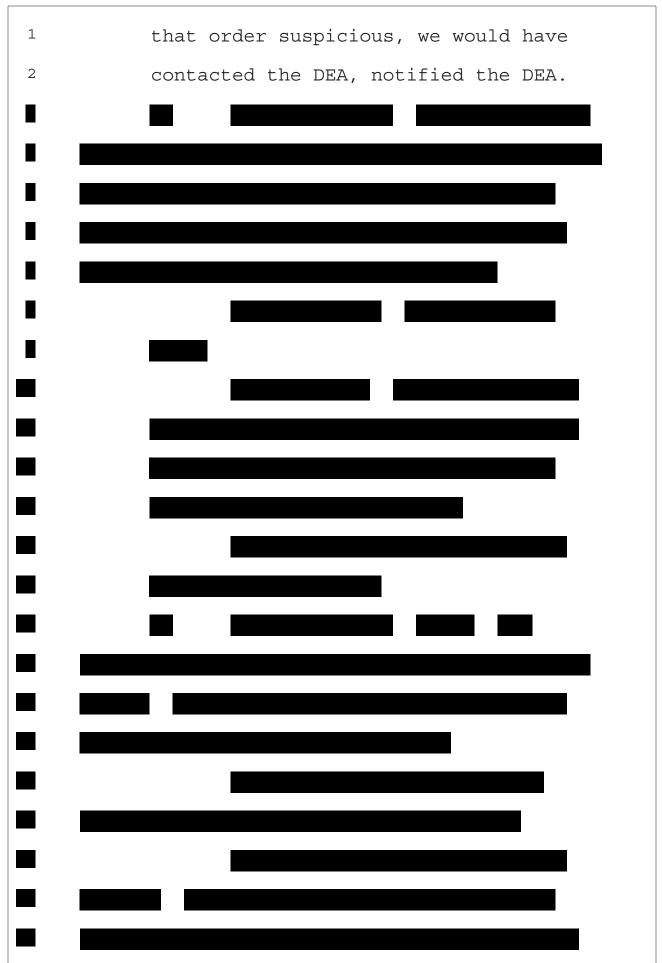
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1
            form.
2
                   THE WITNESS: We've had
3
            conversations with the DEA where they
            agreed with the process that we
5
           were -- that we had implemented versus
6
            an outright approval.
7
                   (BY MR. BOWER) And when did
           Ο.
8
     those conversations occur, where the DEA
9
     occurred with the process that was
10
     implemented?
11
                   So Scott Culver relayed to me
12
     the conversations that I testified to
13
     earlier, with the DEA, around our early
14
     programs. And then we have, through audits
15
     that were conducted, different -- at the
16
     different distribution centers we have
17
     associates relaying information from the DEA,
18
     with no audit finding any deficiency. And I
19
     spoke to Mike Mullins, and he relayed to me
20
     that on the DEA audit form, order monitoring
21
     was one of the areas that they checked.
22
     from that, we found -- we have not been aware
23
     that we've had a deficiency in our program.
24
           Ο.
                   Well, my question is a little
```

1 bit different, though. As you sit here 2 today, can you provide to us any specific conversations where the DEA blessed or otherwise endorsed Walmart's suspicious order monitoring program? 5 MS. TABACCHI: Object to the 6 7 Asked and answered. form. 8 THE WITNESS: No, I testified 9 that there was no specific deeming of 10 appropriateness. There were reviews 11 of our processes over time and never a deficiency noted. 12

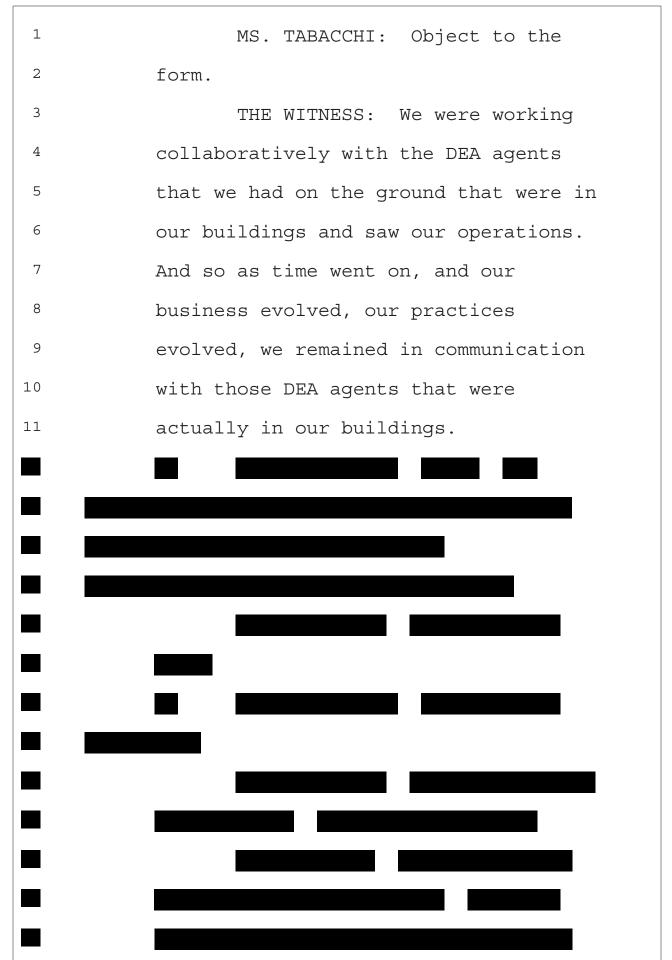
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3
           Ο.
                   (BY MR. BOWER) Okay.
                                          And
     Walmart doesn't dispute that it had that
5
     obligation in 2007; correct?
6
                   MS. TABACCHI: Object to the
7
                   What obligation?
            form.
8
                   (BY MR. BOWER) The obligation
           Ο.
9
     that we've been talking about.
10
                   MS. TABACCHI: You're
11
           paraphrasing.
12
                   (BY MR. BOWER) -- report as
           Ο.
     suspicious an order that deviates
13
14
     substantially from a normal pattern.
15
                   MS. TABACCHI: Object to the
16
            form.
17
                   THE WITNESS: Our programs were
18
            in place to meet those obligations.
19
           Ο.
                   (BY MR. BOWER) Did Walmart --
20
     in 2000 -- let me strike that.
21
                   In January 2008, was Walmart
22
     reporting as suspicious orders that deviated
23
     substantially from a normal pattern, "yes" or
24
     "no"?
```

```
1
                   MS. TABACCHI: Object to the
2
            form.
3
                   THE WITNESS: If they were
           determined to deviate from a pattern,
5
            our program would have been to notify
6
            the DEA.
7
           Ο.
                   (BY MR. BOWER) And that's true
8
     in January of 2008; correct?
9
           Α.
                   Yes.
10
                   Okay. And in January 2008,
           Q.
11
     would Walmart have reported to the DEA an
12
     order that deviated substantially from a
     normal size?
13
14
                   MS. TABACCHI: Object to the
15
            form.
16
                   MR. BOWER: I'll strike that.
17
           0.
                   (BY MR. BOWER) Does Walmart
18
     agree that in January of 2008, it was
19
     obligated to report to the DEA orders that
20
     deviated from a normal size?
21
                   MS. TABACCHI: Object to the
22
                   Calls for a legal conclusion.
            form.
23
                   THE WITNESS: Yes. Orders
24
            deviating from -- I'm sorry.
                                           I --
```

```
1
            "orders deviating from a normal size,"
2
            are you reading that from the ...
3
                   (BY MR. BOWER) I'm not reading
           Ο.
     that from anywhere. It's just a question.
5
                   MS. TABACCHI:
                                  That's the
6
           problem.
7
                   MR. BOWER: I don't think I
8
           have to read my questions from
9
            somewhere unless I'm familiar with
10
            some --
11
                   MS. TABACCHI: If you're going
12
            to try to represent what the law is --
13
                   MR. BOWER: I'm asking the
14
           question.
15
                   (BY MR. BOWER) Does Walmart
           Q.
16
     agree that in January of 2008, it had an
17
     obligation to report orders that deviated
18
     substantially from a normal size?
19
                   MS. TABACCHI: Object to the
20
                   Calls for a legal conclusion.
            form.
21
                   THE WITNESS: If we detected an
22
           order that deviated from size and
23
            could not -- and could not explain the
            reason for that, therefore deeming
24
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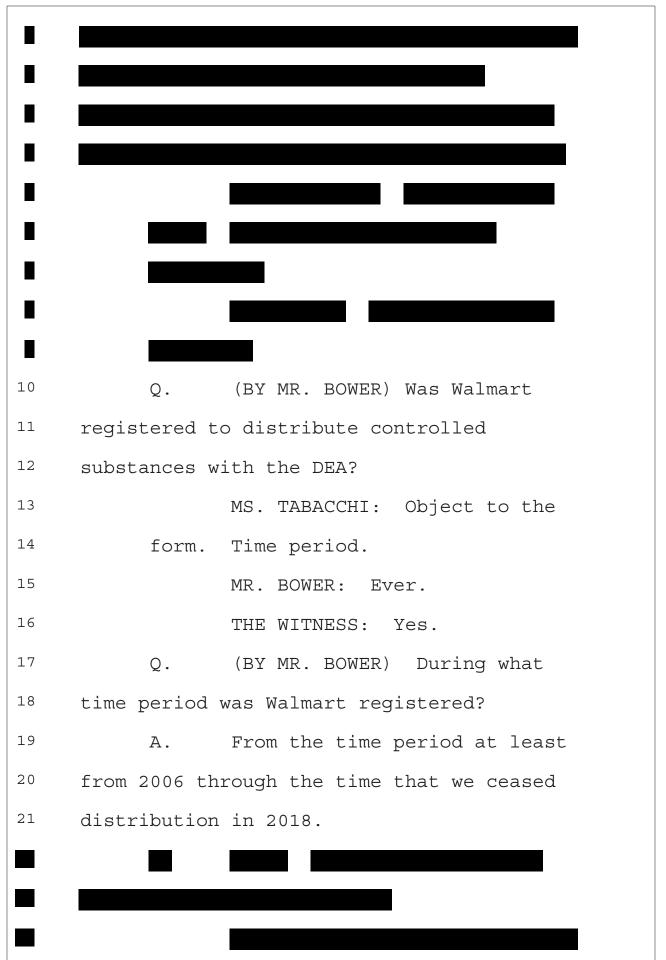


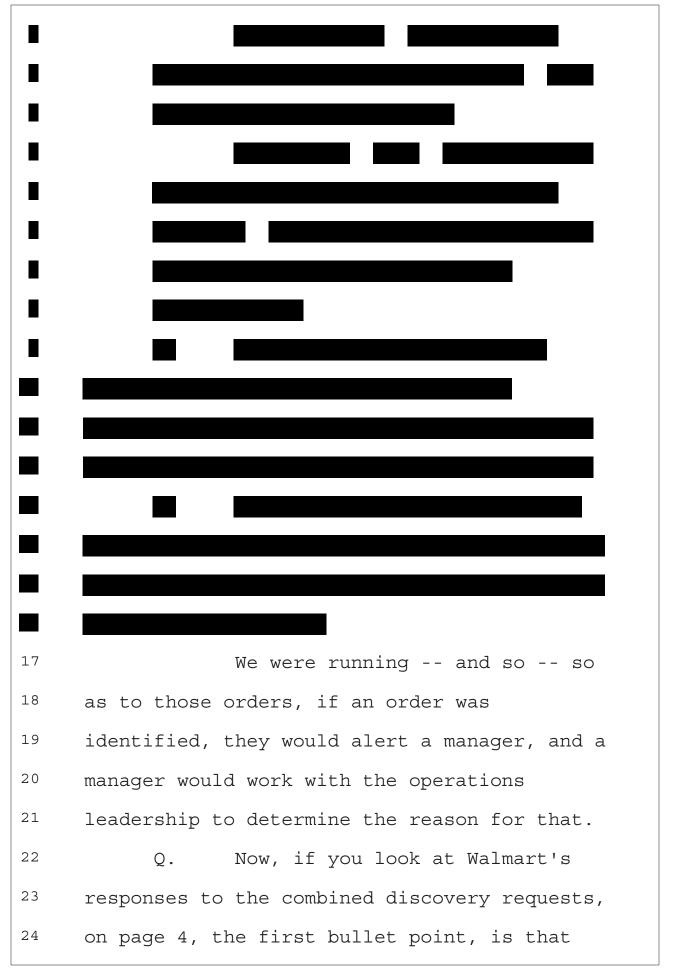
7	Q. Did Walmart's policies and
8	procedures as of January 2008 take into
9	account this criteria as defined here by
10	Mr. Rannazzisi that I just read?
11	MS. TABACCHI: Object to the
12	form.
13	THE WITNESS: So our policies
14	and procedures were developed with our
15	understanding of what we were required
16	to our the obligations that we
17	had under the Controlled Substances
18	Act, in conversation with DEA agents
19	throughout the entirety of our
20	distribution of controlled substances.
21	Q. (BY MR. BOWER) Now, is it
22	Walmart's position that those conversations
23	somehow superseded this communication from
24	Mr. Rannazzisi?



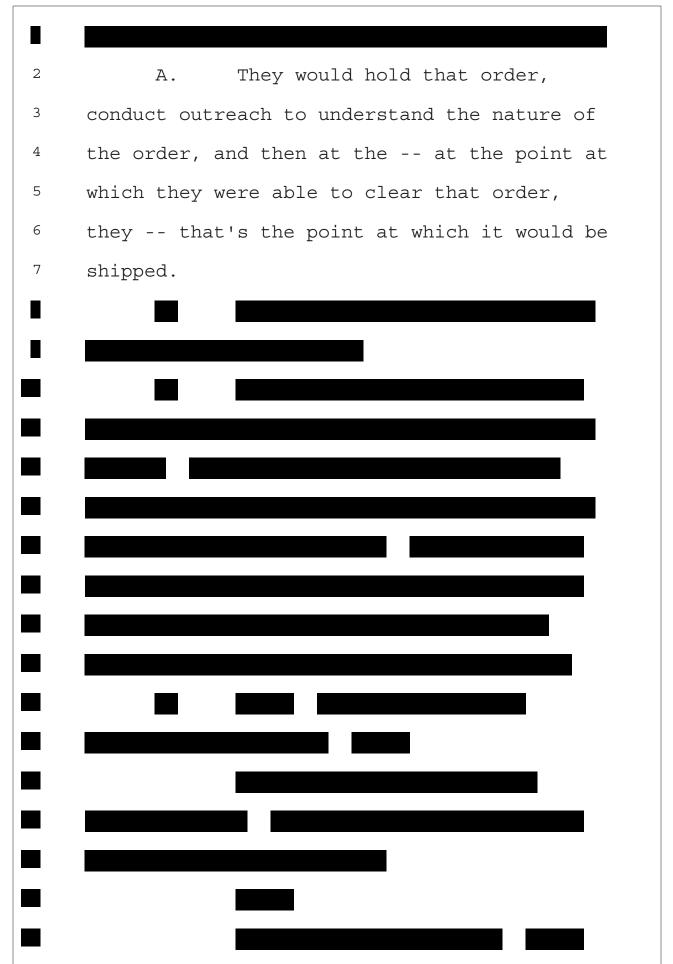
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1
     helpful. It starts with "This regulation."
2
     And it states, "This regulation clearly
3
     places the responsibility on the registrant
     to design and operate such a system.
     Accordingly, DEA does not approve or
5
     otherwise endorse any specific system for
6
7
     reporting suspicious orders."
8
                   Do you see that?
9
                   MS. TABACCHI: Object to the
10
           form.
                   Lack of foundation. Beyond the
11
           scope of the notice.
12
                   THE WITNESS: Yes, I see that.
13
           O.
                   (BY MR. BOWER)
                                   So if, in fact,
14
     Walmart did receive this letter in 2012, then
15
     it was again put on notice that it shouldn't
16
     rely on its communications with the DEA for
17
     approving its program for monitoring orders
18
     of controlled substances. Correct?
19
                   MS. TABACCHI: Object to the
20
                   Calls for a legal conclusion.
21
            Improper hypothetical. Beyond the
22
           scope of the notice.
23
                   THE WITNESS: So -- so, again,
24
           we weren't relying on them to endorse
```

1 a specific system. I mean, I can't --I can't read into what is intended by 2 3 this. We knew that our responsibility was our own responsibility. And that if there was a program in place, it 5 was ours to develop. 6 We did not rely on the DEA to 7 8 say, "This system is blessed, move 9 forward." 10 We implemented programs over 11 time, that we had communications with 12 the DEA, and had -- and did not have an indication from them that there 13 14 were gaps.





```
the policy you're referring to? Where it
1
2
     says "From as early as 1994 until 2010,
3
     employees in Walmart's pharmacy distribution
     centers reviewed controlled drug stock
5
     exception reports, followed up on orders by
6
     speaking with pharmacists, and escalated
7
     issues to market and/or regional leadership
8
     as needed to investigate orders and to
9
     resolve concerns."
10
                   Is that the policy you're
11
     referring to?
12
                   Yes. As well as the bullet
           Α.
13
     that's at the very bottom of the page. So
14
     I'm on my document that, for the entire
15
     relevant time period, our distribution
16
     associates monitored orders.
17
           0.
                   Okay. Now, let's go in 2006,
18
     what specifically were the associates doing
     to monitor orders?
19
20
                   MS. TABACCHI: Object to the
21
            form.
22
                   THE WITNESS:
                                 They were
23
           monitoring orders as they came into
24
            the distribution center, and again
```

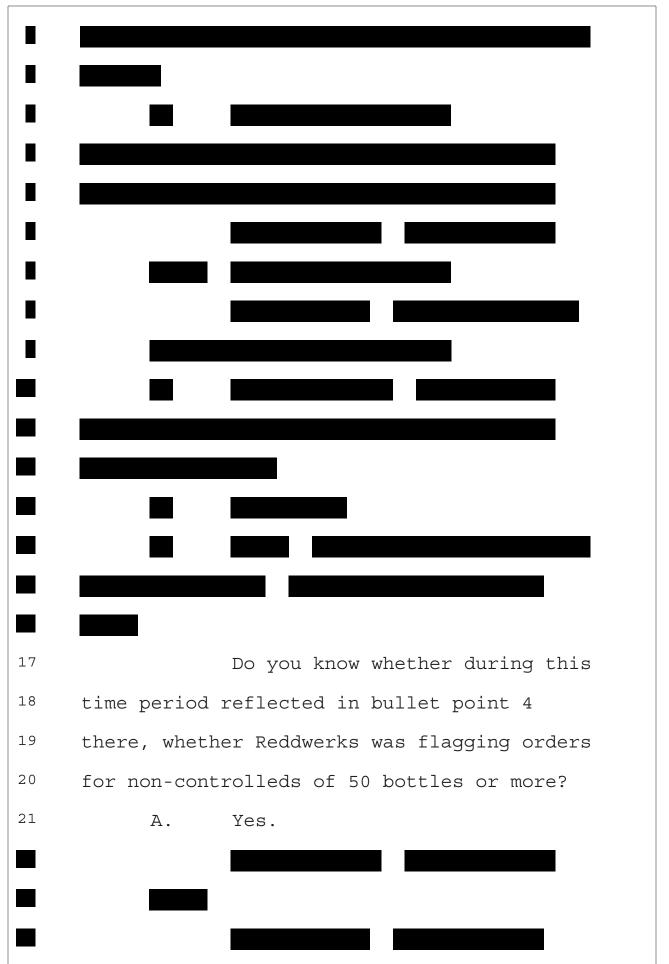


A. Well, I had supervision I
had responsibility for the pharmacies that
they were distributing to.
So could you I could go
5 physically stand in the pharmacy and
understand what the need for the order was
7 that was that they were questioning.
Q. Wait, your answer to my
previous question was, "If it was escalated
o to me, they would want to know if I had
information about a specific order that the
2 might be asking about."
What specific information woul
4 they be seeking from folks that were in you

```
position?
1
2
                   MS. TABACCHI: Object to the
3
            form.
                   THE WITNESS: The purpose of
5
            the order from the pharmacy that I
6
            supervised.
7
                   (BY MR. BOWER) And how would
           0.
8
     the folks in your position determine what the
9
     purpose of that order was?
10
           Α.
                   I would --
11
                   MS. TABACCHI: Object to the
12
            form.
13
                   THE WITNESS: -- do one of
14
            several things that might include
15
            talking to a pharmacist, talking to a
16
           pharmacy manager. I could go on-site.
17
            I could look at their -- the specifics
18
           around that drug.
19
                   There were -- there was a lot
20
           of information that I had access to,
21
           because I supervised those pharmacies.
22
           Q.
                   (BY MR. BOWER) Well, let's
23
     break that down. You give us some things you
24
     would do. Right? So what would you talk to
```

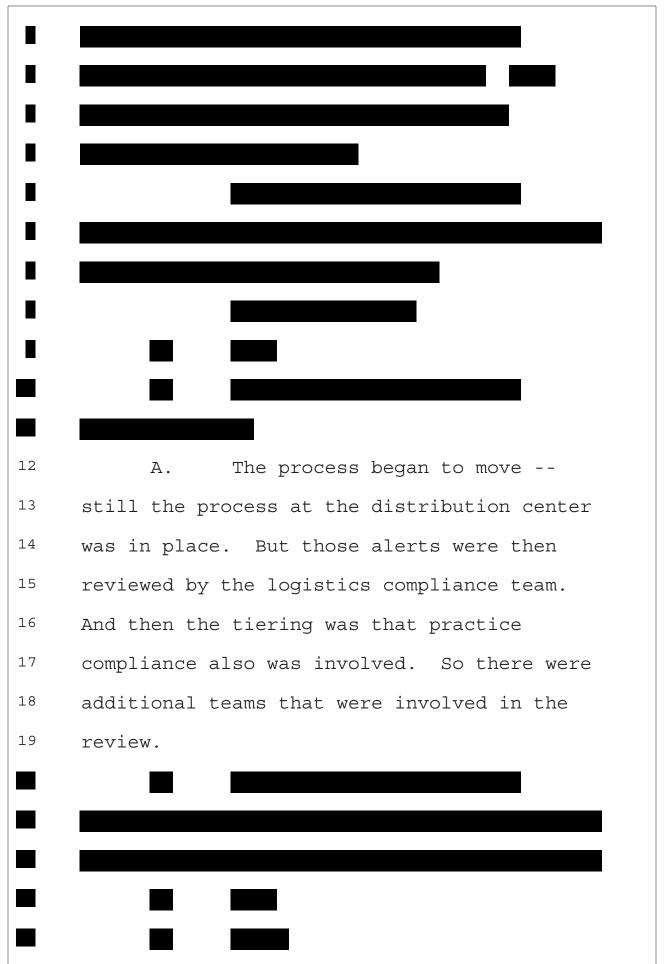
a pharmacist about? 1 I would ask them why they 2 Α. needed the order. And would you rely on what they Ο. 5 told you? It would depend on the 6 7 circumstance --8 Okay. O. 9 -- of the response. Can you recall any specific 10 Q. 11 time where you asked a pharmacist a question 12 and you needed more follow-up? 13 MS. TABACCHI: Object to the 14 Beyond the scope. form. 15 THE WITNESS: I don't recall a 16 specific situation. 17 O. (BY MR. BOWER) Not a single time that you can recall specifically? 18 19 MS. TABACCHI: Same objections. 20 THE WITNESS: No, I --21 (BY MR. BOWER) Okay. And the Q.

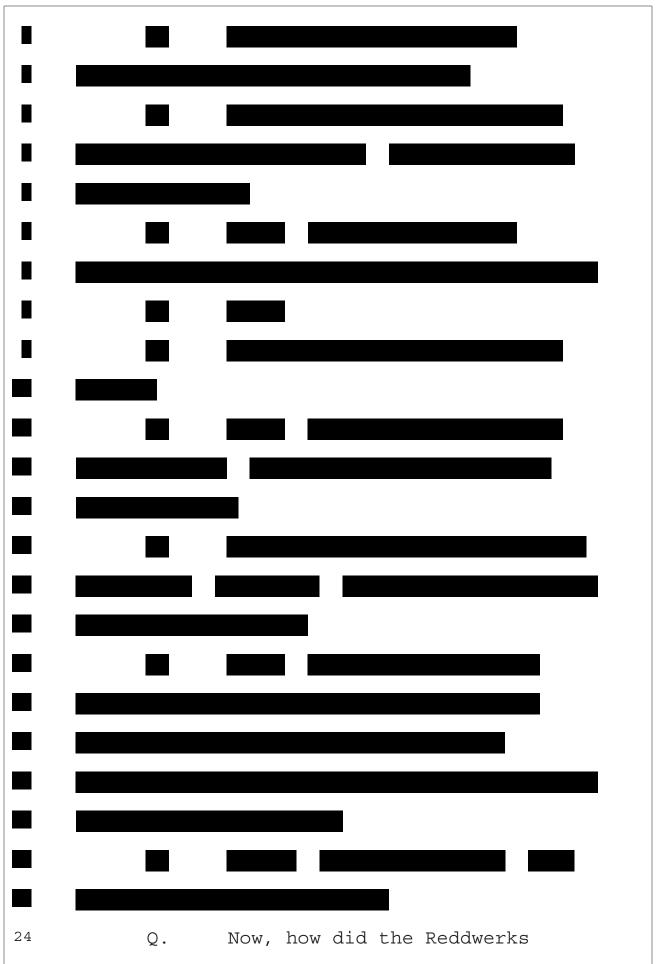
1 And this is when Walmart first Ο. 2 implemented order alerts in Reddwerks; 3 correct? Α. Yes. Do you know when in 2011 5 Ο. Walmart first implemented order alerts in 6 Reddwerks? 7 8 I don't know the exact date. Is that something you prepared 9 Ο. to testify on today? 10 11 MS. TABACCHI: Object to the 12 form. THE WITNESS: I don't have an 13 14 exact date. 15 (BY MR. BOWER) Do you know Q. 16 whether it was -- could it have been 2012? 17 Α. No. It was 2011.

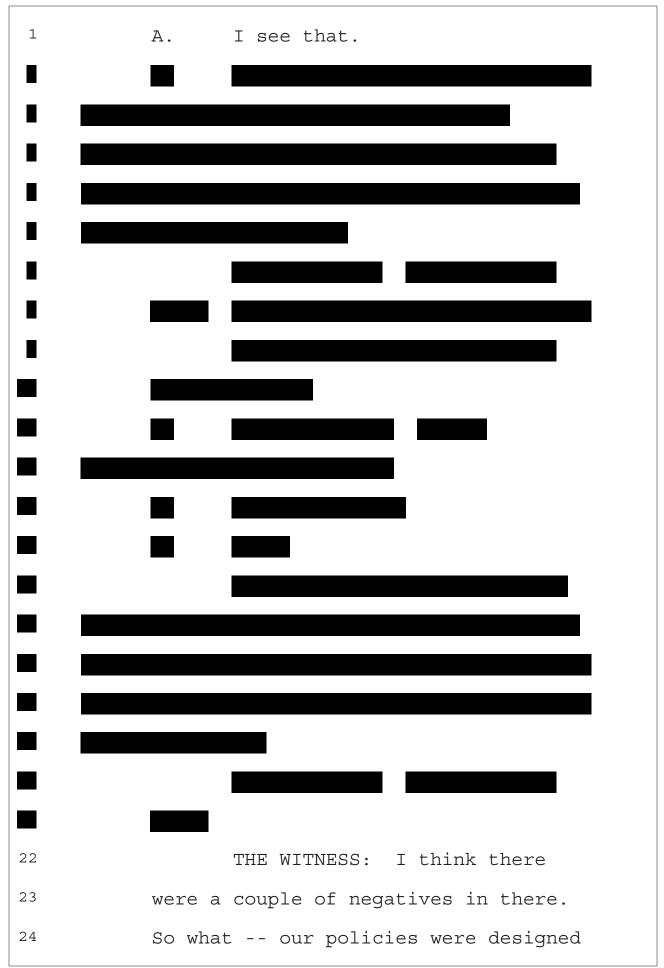


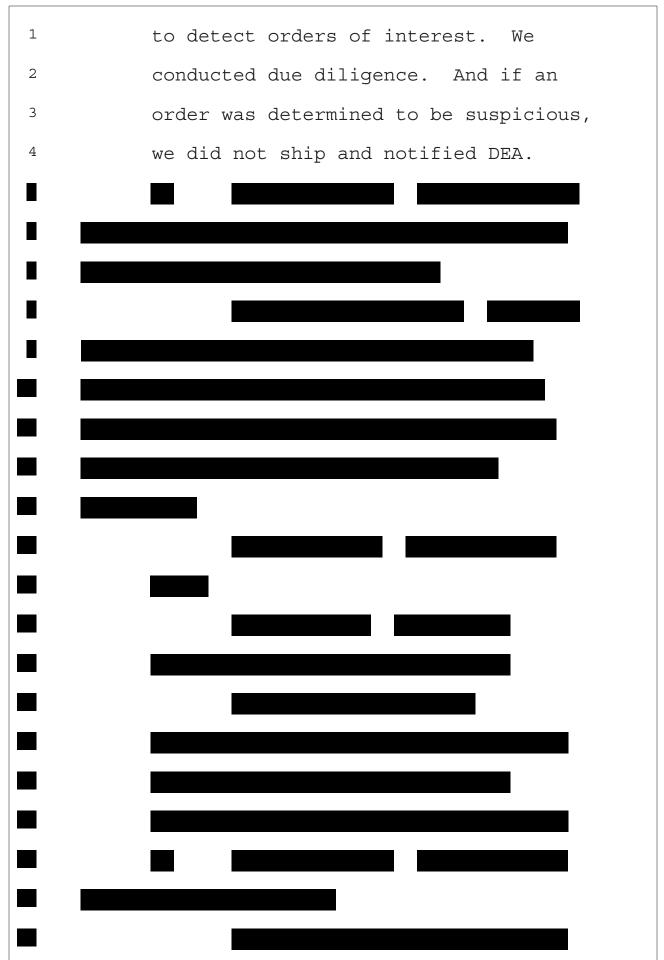
7	A. The enhanced thresholds were
8	calculated using a year's worth of shipment
9	data, and then applying a formula, which was
10	the average weekly order, plus three standard
11	deviations over that 52-week shipment date.
12	Q. And when that formula was used,
13	would that provide the enhancements for a
14	particular store?
15	MS. TABACCHI: Object to the
16	form.
17	THE WITNESS: It was store and
18	item specific. And there were
19	additional defaults that were applied
20	to those thresholds as they were
21	calculated.
22	Q. (BY MR. BOWER) And can you
23	describe for us how those defaults let me
24	break that down a little bit.

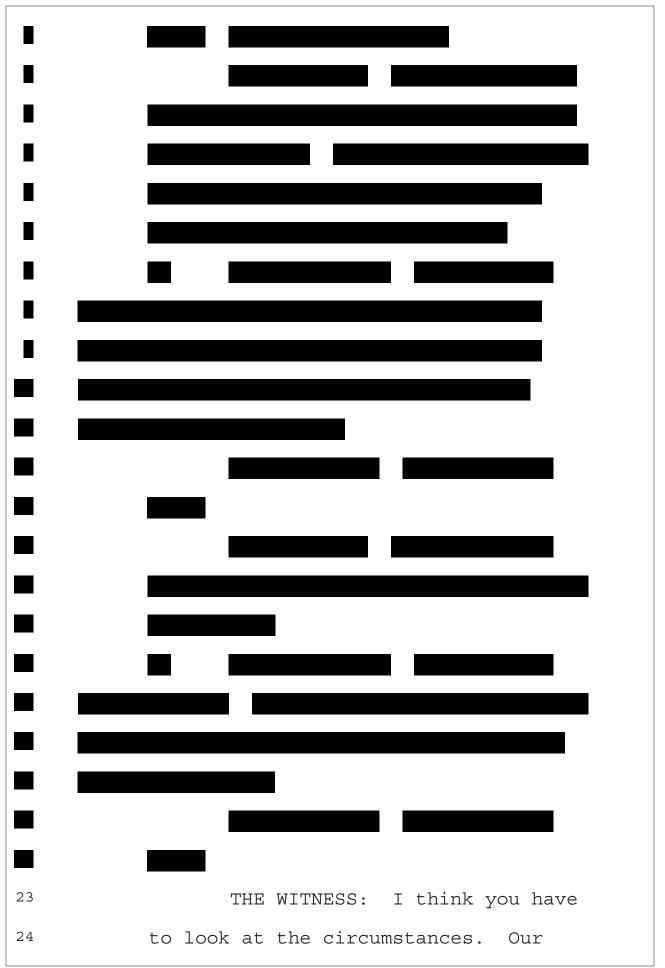
1 How did Walmart go about 2 determining what the defaults would be? 3 Α. So again, based on enhancing what we had in place, we continued to use that 50-unit limit. It was applied a little 5 bit differently in this context because we 6 took -- we took the dosage units and dropped 7 8 those down to item units to not exceed 5,000 units. 9 10 There was a default minimum alert of 2,000 units applied, and then for 11 non-traited items for that location, there 12 13 was a limit set for a thousand dosage units.



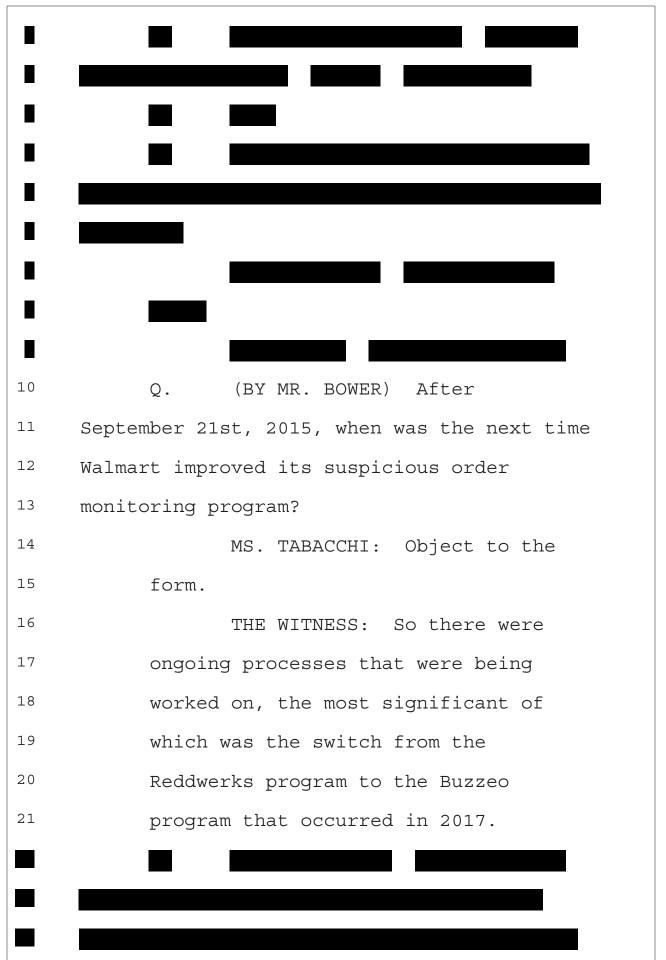


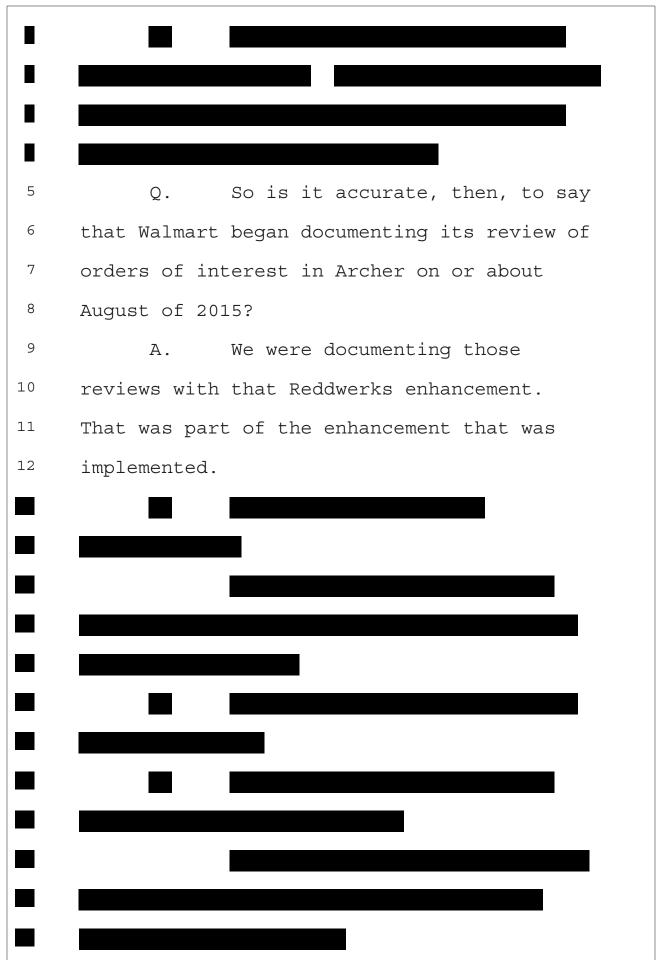






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1
            intent was never to ship a suspicious
2
           order.
                   However, I think that if
           there's too many false positives, it
           could lead to missing --
5
                   I think one could lead to the
6
           other from an unintended consequence
7
           perspective. That's why we were
8
           working to get it right knowing that
9
           neither situation was the ideal. And
10
           that's why we continued to adjust and
11
            improve and make modifications to our
12
           program over a continuum of time.
13
                   MS. TABACCHI: Can we just take
14
           a break when you come to a right
15
           moment?
16
                   MR. BOWER: Sure. Go ahead.
17
                   THE VIDEOGRAPHER: 4:20. We
18
           are off the video record.
19
                   (Recess taken, 4:20 p.m. to
20
           4:43 p.m.)
21
                   THE VIDEOGRAPHER: 4:43. We
22
           are on the video record.
23
                   (BY MR. BOWER) All right.
           Ο.
     We're back on the record. I just would ask
24
```





1 Okay? 2 Α. Okay. 3 Unless it's -- is it something 0. that your memory has been refreshed over the 5 break? It is information specific to 6 Α. 7 one of the exhibits. 8 Okay. Well, I quess it's a 0. 9 little bit unusual, but let's hear it. 10 So in -- as we were talking Α. 11 about the exhibit that -- I'll have to find 12 it -- that showed our reporting post 13 Masters --14 Mm-hmm. Ο. 15 -- of orders of interest, where Α. 16 we reported orders of interest prior to due 17 diligence to determine whether or not they 18 were suspicious? 19 Ο. Okay. 20 We did report those to DEA. 21 And after that reporting, we had two 22 different DEA offices contact us and ask us 23 why we were reporting those and asked us to

stop reporting.

24

```
2
                   THE WITNESS:
                                 My preparation
3
            indicates that we did not participate
            in marketing of opioids.
5
                   (BY MR. BOWER) But my question
           Ο.
     is a little bit different. Did Walmart
6
7
     consider that, marketing plans that were
8
     going to be implemented by manufacturers in
9
     deciding whether to purchase opioid products?
10
                   MS. TABACCHI: Objection.
11
           Object to the form, beyond the scope.
12
                   THE WITNESS: I don't have that
13
           detail.
14
                   MR. BOWER: Okay.
15
                   (BY MR. BOWER) Would you agree
           Q.
16
     with me that Walmart -- sorry, just give me a
17
     second.
18
                   Would you agree with me that
19
     Walmart was involved in NACDS going back to
20
     the early 2000s?
21
           Α.
                   Yes.
22
                   MS. TABACCHI: Object to the
23
            form.
                   (Whereupon, Deposition Exhibit
24
```